

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE                    §  
PETITION OF BERNARD WOODS §        No. 273, 2010  
FOR A WRIT OF CERTIORARI.        §

Submitted: May 17, 2010  
Decided: May 28, 2010

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices.

**ORDER**

This 28<sup>th</sup> day of May 2010, the Court has considered the petition for a writ of certiorari filed by the petitioner, Bernard Woods, and the answer and motion to dismiss filed by the State of Delaware. The petition for a writ of certiorari is lacking in any averments to invoke the original jurisdiction of this Court.<sup>1</sup> The petition appears to reargue this Court's Order of April 26, 2010 that affirmed the Superior Court's denial of the petitioner's motion for postconviction relief.<sup>2</sup> A petitioner who has an adequate remedy in the appellate process<sup>3</sup> may not use an extraordinary writ as a substitute for appellate review.<sup>4</sup>

NOW, THEREFORE, IT IS ORDERED that the petition for a writ of certiorari is DISMISSED.

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice

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<sup>1</sup> Del. Const. art. IV, § 11(5); Del. Supr. Ct. R. 43.

<sup>2</sup> See *Woods v. State*, 2010 WL 1664008 (Del. Supr.) (affirming Superior Court's judgment).

<sup>3</sup> See Del. Supr. Ct. R. 18 (providing for reargument of Court's order on timely-filed and otherwise conforming motion for reargument).

<sup>4</sup> *Matushefske v. Herlihy*, 214 A.2d 883, 885 (Del. 1965).